

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P3131/PCT W/HLL	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/002926	International filing date (<i>day/month/year</i>) 18.03.2005	Priority date (<i>day/month/year</i>) 22.03.2004
International Patent Classification (IPC) or national classification and IPC B01D33/76		
Applicant Z-FILTER GMBH + CO. KG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>9</u> sheets, as follows: <div><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</div> b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <div><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</div>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 5-11 as originally filed/furnished
- pages* 1-4, 4a received by this Authority on 26.01.2006 with letter of 23.01.2006
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-17 received by this Authority on 26.01.2006 with letter of 23.01.2006
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2, 2/2 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 2, 6, 8, 9-17

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 2, 6, 8, 9-17

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																								
1. Statement	<table><tbody><tr><td>Novelty (N)</td><td>Claims</td><td><u>1, 3-5, 7</u></td><td>YES</td></tr><tr><td></td><td>Claims</td><td><u></u></td><td>NO</td></tr><tr><td>Inventive step (IS)</td><td>Claims</td><td><u></u></td><td>YES</td></tr><tr><td></td><td>Claims</td><td><u>1, 3-5, 7</u></td><td>NO</td></tr><tr><td>Industrial applicability (IA)</td><td>Claims</td><td><u>1, 3-5, 7</u></td><td>YES</td></tr><tr><td></td><td>Claims</td><td><u></u></td><td>NO</td></tr></tbody></table>	Novelty (N)	Claims	<u>1, 3-5, 7</u>	YES		Claims	<u></u>	NO	Inventive step (IS)	Claims	<u></u>	YES		Claims	<u>1, 3-5, 7</u>	NO	Industrial applicability (IA)	Claims	<u>1, 3-5, 7</u>	YES		Claims	<u></u>	NO
Novelty (N)	Claims	<u>1, 3-5, 7</u>	YES																						
	Claims	<u></u>	NO																						
Inventive step (IS)	Claims	<u></u>	YES																						
	Claims	<u>1, 3-5, 7</u>	NO																						
Industrial applicability (IA)	Claims	<u>1, 3-5, 7</u>	YES																						
	Claims	<u></u>	NO																						
2. Citations and explanations (Rule 70.7)	<p>Reference is made to the following document:</p> <p>D1: DE 33 21 565 A1 (KLOECKNER-HUMBOLDT-DEUTZ AG, 5000 COLOGNE, DE) 20 December 1984 (1984-12-20)</p> <p>1 - INVENTIVE STEP - PCT ARTICLE 33(3)</p> <p>The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 1, 3-5, 7 does not involve an inventive step under PCT Article 33(3).</p> <p>1.1 - Claim 1</p> <p>Document D1 which is considered to be the closest prior art discloses (page 9, figures 1, 2) (the references between parentheses refer to this document) a method for treating, filtering and cleaning a working medium having a filter (1) in a filter housing (4) which adjoins a discharge device for a filter cake. A moveable stamp (15) is assigned to the discharge device and is periodically moved down from the top to the filter cake material (7) which continuously collects in a shaft (10), in order to</p>																								

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

distribute and compact it. The shaft (10), at its bottom end, has a discharge orifice to which a plane (19) is assigned as discharge organ for discharging the compacted filter cake material.

The hydraulic cylinder (20) serving to drive the plane is connected to a control device (18) which controls the working speed of the plane (19) as a function of the height and compression force of the compacting stamp (15).

The filter cake (7) is detached from the filter drum by means of compressed air pulses from the compressed air line (9) (description page 8).

The subject matter of claim 1 **differs** from document D1 **in that** the filter is backwashed at time intervals and that the filter is charged with working medium or another purge medium from the outside during the backwashing process.

The problem addressed by the present invention can therefore be considered that of proposing method steps to clean the filter surface.

The solution proposed in claim 1 of the present application cannot be considered inventive for the following reasons (PCT Article 33(3)):

The above feature "backwashing at time intervals and charging the filter from the outside during the backwashing process with working medium or another purge medium" is only one of several obvious possibilities from which a person skilled in the art would choose according

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to the circumstances in order to solve the problem of
interest, without thereby being inventive.

1.2 - Claims 3-5, 7

Claims 3-5, 7 do not contain any features which, in
combination with the features of any claim to which they
refer, meet the PCT requirements for novelty and
inventive step.